

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

KEVIN DUVALLE BLACK,  
 Plaintiff,

vs.

FRANCISCO SANCHEZ, *et al.*,  
 Defendants.

Case No. 2:11-cv-00212-KJD-CWH

**ORDER**

This matter is before the Court on Defendants' Motion to Revoke *In Forma Pauperis* Status (#29), filed July 23, 2012; Plaintiff's Response (#30), filed August 23, 2012; and Defendants' Reply (#31), filed August 28, 2012.

Citing Local Special Rule ("LSR") 1-5, Defendants request that the Court revoke Plaintiff's right to proceed *in forma pauperis* because he has been released from prison. In support of the motion, Defendants have cited to the general proposition that proceeding *in forma pauperis* is not a right. The Court does not disagree with that general statement. Unfortunately, Defendants have failed to brief the actual issue presented - do the Prisoner Litigation Reform Act ("PLRA") provisions of 28 U.S.C. § 1915 continue to govern if and after the prisoner is released *pendente lite* during the litigation. Pursuant to Local Rule 7-2(d), "[t]he failure of a moving party to file points and authorities in support of the motion shall constitute a consent to the denial of the motion."

Accordingly,

**IT IS HEREBY ORDERED** that Defendants' Motion to Revoke *In Forma Pauperis* Status (#29) is **denied without prejudice**.

DATED this 10th day of October, 2011.

  
 C.W. Hoffman, Jr.  
 United States Magistrate Judge